

AMENDED IN ASSEMBLY MAY 15, 2014

AMENDED IN SENATE APRIL 16, 2013

AMENDED IN SENATE APRIL 4, 2013

## SENATE BILL

**No. 564**

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### Introduced by Senator Monning

February 22, 2013

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An act to add Article 3 (commencing with Section 115815) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to recreational activities.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 564, as amended, Monning. Ski resorts: ~~safety plans~~; accident reports.

Existing law regulates certain behavior related to recreational activities and public safety, including, among other things, playgrounds and wooden playground equipment.

~~This bill would require a ski resort to prepare an annual safety plan and, upon request, make the safety plan available to the public the same day the request is received. The bill would also require a ski resort to make available to the public, within 30 days of receipt of a request, a monthly report with specified details about any fatal incidents at the resort that resulted from a recreational activity.~~

~~The bill would specify that the above-described provisions do not change the existing assumption of risk doctrine as it applies to ski resorts.~~

*This bill would, among other things, require a ski resort, as defined, to submit a monthly summary accident report, as defined, to the State Department of Public Health, as provided. The bill would authorize*

*the department to request additional safety-related information, as provided, and would require the department to post the reports and other information onto its publicly accessible Internet Web site.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) Residents and visitors annually make five to six million daily*  
4     *visits to California's mountain ski resorts, and analysis of hospital*  
5     *discharge and emergency room visit data reveals over 11,500 ski*  
6     *and snowboard injuries are treated at California hospitals each*  
7     *year.*

8     *(b) Ski resorts are not uniformly subject to any federal or state*  
9     *safety statutes, regulations, or reporting requirements and do not*  
10    *provide or make accessible accident, death, and injury statistics*  
11    *or other safety-related information to government or the public.*

12    *(c) Resort patrons are required to agree to negligence waivers*  
13    *with the purchase of a resort lift ticket or season pass.*

14    *(d) The State Department of Public Health has established*  
15    *branches and units to provide statewide surveillance and control*  
16    *of accidents and injuries.*

17    *SEC. 2. Article 3 (commencing with Section 115815) is added*  
18    *to Chapter 4 of Part 10 of Division 104 of the Health and Safety*  
19    *Code, to read:*

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21                     *Article 3. Ski Resorts*

22

23    *115815. For the purposes of this article, the following*  
24    *definitions shall apply:*

25    *(a) "Accidents" means any occurrence resulting in a death or*  
26    *an injury or injuries other than those requiring only minimal first*  
27    *aid, such as minor abrasions and bruises.*

28    *(b) "Department" means the State Department of Public Health.*

29    *(c) "Ski resort" or "resort" means the operator of a snow sport*  
30    *facility.*

31    *(d) "Skier day" means use of a snow sport facility by a patron*  
32    *who skis, snowboards, or engages in any other snow sport during*

1 a single calendar day of facility operations. The number of skier  
2 days are used to track use as well as to normalize other patron  
3 volume-related statistics over a defined period of facility  
4 operations.

5 (e) “Snow sport facility” means a facility located in California,  
6 including any facility that operates on federal land in California,  
7 that is used by skiers, snowboarders, and persons engaged in other  
8 forms of gravity propelled, nonmotorized, and upright downhill  
9 sliding snow sports.

10 (f) “Summary accident report” or “report” means a report that  
11 contains all of the following with respect to a snow sport facility:

12 (1) The number of accidents reported to a resort during the  
13 reporting period that occurred on its lifts, slopes, or trails or after  
14 an intended or unintended egress from the slope and trail  
15 boundaries to adjacent terrain.

16 (2) The number of accidents reported to a resort during the  
17 reporting period that resulted in a death, either at the site of the  
18 accident, during the subsequent emergency transport, or at a  
19 medical care facility.

20 (3) The number of accidents reported to a resort during the  
21 reporting period that resulted in nonfatal injuries requiring  
22 transportation by air or ground ambulance to a medical care  
23 facility.

24 (4) The number of skier days and the number of days of full or  
25 partial operation during the reporting period.

26 115816. (a) By the 15th calendar day after the end of each  
27 full or partial calendar month that a facility is used as a snow  
28 sport facility, a resort shall submit to the Injury Surveillance and  
29 Epidemiology Unit of the Safe and Active Communities Branch  
30 within the department, or other division, branch, or unit, as  
31 specified by the department, an electronic summary accident report  
32 in a format acceptable to the department.

33 (b) As part of or in addition to the summary accident report,  
34 the department may request additional safety-related information  
35 as it deems necessary or desirable and is available to the resort.  
36 The resort shall respond to all such requests on a timely basis.

37 (c) Any information relating to a victim’s identity shall be  
38 redacted by the resort prior to submitting the report or other  
39 requested information to the department.

1     (d) *The department shall post all reports and information*  
2     *received pursuant to this section onto its publicly accessible*  
3     *Internet Web site.*

4     SECTION 1. ~~Article 3 (commencing with Section 115815) is~~  
5     ~~added to Chapter 4 of Part 10 of Division 104 of the Health and~~  
6     ~~Safety Code, to read:~~

7  
8                     Article 3. Ski Resorts  
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10    ~~115815. A ski resort that operates in California shall do all of~~  
11    ~~the following:~~

12    ~~(a) Prepare an annual safety plan that conforms with the~~  
13    ~~requirements of federal regulations applicable to ski resorts~~  
14    ~~operating on federal property.~~

15    ~~(b) Make the annual safety plan available to the public at the~~  
16    ~~ski resort, upon request, the same day the request is received.~~

17    ~~(c) Make available to the public, within 30 days of receipt of a~~  
18    ~~request, a monthly report containing the following information, if~~  
19    ~~known:~~

20    ~~(1) A description of each incident resulting in a fatality that~~  
21    ~~occurred on the ski resort property and resulted from a recreational~~  
22    ~~activity, such as skiing, snowboarding, or sledding, that the resort~~  
23    ~~is designed to provide.~~

24    ~~(2) The age of each person fatally injured in an incident~~  
25    ~~identified in paragraph (1), the type of recreational activity~~  
26    ~~involved, the cause of the fatality, the location at the resort where~~  
27    ~~the incident occurred, and the name of any facility where medical~~  
28    ~~treatment was provided. The report shall not identify a deceased~~  
29    ~~person by name or address.~~

30    ~~(d) This article does not change the existing assumption of risk~~  
31    ~~doctrine as it applies to ski resorts.~~